

### REMARKS

An Office Action was mailed on March 1, 2006 and declared final. Claims 1-22 were pending, of which claims 1, 14, and 22 are the sole independent claims. All claims stand rejected.

By the foregoing, at least all independent claims are amended. Other claims are amended for consistency or to correct a typographical error. Entry of the claim amendments is requested. No new matter has been added. The claims are supported by the specification as filed.

#### Rejection under 35 U.S.C. §103(a)

Claims 1-22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,181,749 to Niki (Niki).

The presently claimed invention is a method for obtaining hot-formed product suitable for human consumption. Advantageously, the present invention utilizes the specific properties of Antarctic krill as a raw material, and in the succeeding steps separates the raw material into a liquid and dense fraction.

The novelty of the invention resides in the starting materials that are obtained from the raw product, krill. Using these starting materials, i.e. the dense and biological liquid fraction of the krill, in a food process was unknown prior to the present invention and is the invention's contribution to the state of the art. Thereto, while not dispositive, the European Patent Office has issued a notice of allowability in a counterpart application. A copy of the text of the application proposed for grant by the EPO, i.e. the Druckexemplar, is enclosed.

All independent claims now recite that the liquid fraction is a biological liquid fraction consisting of biological liquids only. In other words, the claimed invention is now limited only to the biological liquid fraction and excludes water during processing as a liquid fraction. Support thereof may be found at page 2, line 18 of the specification as filed.

Niki does not teach, disclose, or suggest the claimed invention. Example 1 is cited for teaching the separation of a catch into a liquid and a dense fraction. Therein, Niki teaches that Pollack is US 10/749,925

strained to obtain 10 kg of meat wherein 87% is water content. A further 20 kg of water was added. In other words, more than twice the water content of the fish was added as water. Thus, Niki fails to teach the claimed limitation that the liquid fraction is a biological liquid fraction consisting of biological liquids only.

Other examples taught by Niki each teach that "[they] were treated the same way as in Example 1." 5:51-52, 6:5-6, 5:24-25.

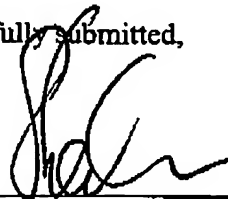
The Examiner is respectfully requested to withdraw the rejections for the reasons given above, individually or cumulatively.

All dependent claims are allowable for at least substantially the same reasons as the independent claim from which they depend. Thus, Applicant believes that the application is now in condition for allowance of all claims and earnestly solicits the same.

However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper, including any necessary extension fees, may be charged to Deposit Account 50-1290.

Respectfully submitted,



Hassan A. Shakir  
Reg. No. 53,922  
(212) 940.6489

CUSTOMER NUMBER 026304  
Docket No.: HERR 20.844 (100700-00144)

US 10/749,925